SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

PICO NEIGHBORHOOD ASSOCIATION, et al.	)))	Case No.: BC616804
Plaintiffs,	))	JUDGMENT; ATTACHMENT
vs.	))	
CITY OF SANTA MONICA,	))	
Defendant.	))))	

The Court finds as follows:

Plaintiff Maria Loya is registered to vote, and resides in the City of Santa Monica, California. She is a member of a "protected class" as that term is defined in California Elections Code Section 14026. Plaintiff Pico Neighborhood Association is an organization with members who, like Maria Loya, reside in Santa Monica, are registered to vote, and are

-1-

members of a protected class. Plaintiff Pico Neighborhood

Association's organizational mission is germane to the subject

of this case – namely, advocating for the interests of Pico

Neighborhood residents, including to the city government, where

Latinos are concentrated in Santa Monica.

Defendant is a political subdivision as that term is

defined in California Elections Code Section 14026. The

governing body of Defendant is the City Council of Santa Monica,

California. The City Council of Santa Monica, California is

elected by an "at large method of election" as that term is

defined in California Elections Code Section 14026.

Plaintiffs have demonstrated that elections in Santa

Monica, namely elections for Defendant's city council involving

at least one Latino candidate, are consistently and

significantly characterized by "racially-polarized voting" as

that term is defined in California Elections Code Section 14026.

•   Analyzing elections over the past twenty-four years, a

consistent pattern of racially-polarized voting emerges. In

most elections where the choice is available, Latino voters

strongly prefer a Latino candidate running for Defendant's city

council, but, despite that support, the preferred Latino

candidate loses. As a result, though Latino candidates are

generally preferred by the Latino electorate in Santa Monica,

only one Latino has been elected to the Santa Monica City

Council in the 72 years of the current election system – 1 out of 71 to serve on the city council.

• Though not necessary to show a CVRA violation, Plaintiffs have also demonstrated other factors supporting the finding of a violation of the CVRA, pursuant to Elections Code section 14028(e), including a history of discrimination in Santa Monica; the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections; that Latinos in Santa Monica bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process; the use of overt or subtle racial appeals in political campaigns; and a lack of responsiveness by the Santa Monica city government to the Latino community concentrated in the Pico Neighborhood.

In the face of racially polarized voting patterns of the Santa Monica electorate, Defendant has imposed an at-large method of election in a manner that impairs the ability of Latinos to elect candidates of their choice or influence the outcome of elections, as a result of the dilution or the abridgment of the rights of Latino voters.

The City of Santa Monica amended its charter in 1946, adopting its current council-manager form of government and current at-large election system. The precise terms of that

-3-

charter amendment, and specifically the form of elections to be employed, were decided upon by a Board of Freeholders. In 1992, Defendant's city council rejected the recommendation of the Charter Review Committee to scrap the at-large election system. In each instance, the adoption and/or maintenance of at-large elections was done with a discriminatory purpose, and has had a discriminatory impact.

The CVRA does not require the imposition of district-based elections. The Court considered cumulative voting, limited voting and ranked choice voting as potential remedies to Defendant's violation of the CVRA. Plaintiffs presented these at-large alternatives for the Court's consideration, but both Plaintiffs and Defendant agreed that the most appropriate remedy would be a district-based remedy. While the Court finds that each of these alternatives would improve Latino voting power in Santa Monica, the Court finds that the imposition of district-based elections is an appropriate remedy to address the effects of the established history of racially-polarized voting.

During the trial, Plaintiffs' expert presented a district plan. That district plan included a district principally composed of the Pico Neighborhood, where Santa Monica's Latino community is concentrated. Districts drawn to remedy a violation of the CVRA should be nearly equal in population, and should not be drawn in a manner that may violate the federal

Voting Rights Act. Other factors may also be considered -- the topography, geography and communities of interest of the city should be respected, and the districts should be cohesive, contiguous and compact. Elections Code Section 21620. Districts drawn to remedy a violation of the CVRA should not be drawn to protect current incumbents. Incumbency protection is generally disfavored in California. California Constitution Art. XXI Section 2(e). The place of residence of incumbents or political candidates is not one of the considerations listed in Section 21620 of the Elections Code. Race should not be a predominant consideration in drawing districts unless necessary to remedy past violation of voting rights. The district plan presented by Plaintiffs' expert properly takes into consideration the factors of topography, geography, cohesiveness, contiguity and compactness of territory, and community of interest of the districts, and race was not a predominant consideration.

The current members of the Santa Monica City Council were elected through unlawful elections. The residents of the City of Santa Monica deserve to have a lawfully elected city council as soon as is practical. The residents of the City of Santa Monica are entitled to have a council that truly represents all members of the community. Latino residents of Santa Monica, like all other residents of Santa Monica, deserve to have their

voices heard in the operation of their city. This can only be accomplished if all members of the city council are lawfully elected. To permit some members of the council to remain who obtained their office through an unlawful election may be a necessary and appropriate interim remedy but will not cure the clear violation of the CVRA and Equal Protection Clause.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1.   Defendant violated the California Voting Rights Act, California Elections Code Sections 14025 – 14032;

2.   Defendant's plurality at-large elections for its City Council violate Elections Code Sections 14027 and 14028;

3.   Defendant violated the Equal Protection Clause of the California Constitution, California Constitution, Article I Section 7;

4.   Defendant's plurality at-large elections for its City Council violate the Equal Protection Clause of the California Constitution;

5.   Defendant is permanently enjoined from imposing, applying, holding, tabulating, and/or certifying any further at-large elections, and/or the results thereof, for any positions on its City Council;

6.   Defendant is permanently enjoined from imposing, applying, holding, tabulating, and/or certifying any elections,

and/or the results thereof, for any positions on its City

Council, except an election in conformity with this Judgment;

7.   All further elections, from the date of entry of this

Judgment for any seats on the Santa Monica City Council, shall

be district-based elections, as defined by the California Voting

Rights Act, in accordance with the map attached hereto. The

metes and bounds of each district, as depicted in the map are

described using TIGER line segments (used to define census block

geography) as follows:

District #1

The region bounded and described as follows:

Beginning at the point of intersection of Alley between

Princeton and Harvard and Broadway, and proceeding southerly

along Alley between Princeton and Harvard to Colorado Ave, and

proceeding northerly along Colorado Ave to Stewart St, and

proceeding southerly along Stewart St to Olympic Blvd, and

proceeding easterly along Olympic Blvd to City Boundary, and

proceeding easterly along City Boundary to Pico Blvd, and

proceeding westerly along Pico Blvd to 22nd St, and proceeding

southerly along 22nd St to Alley south of Pico Blvd, and

proceeding westerly along Alley south of Pico Blvd to 20th St,

and proceeding northerly along 20th St to Pico Blvd, and

proceeding westerly along Pico Blvd to Lincoln Blvd, and

proceeding northerly along Lincoln Blvd to Broadway, and

proceeding easterly along Broadway to Alley between 9th and 10th

St, and proceeding northerly along Alley between 9th and 10th St

to Santa Monica Blvd, and proceeding easterly along Santa Monica

Blvd to 16th St, and proceeding southerly along 16th St to

Broadway, and proceeding easterly along Broadway to Alley

between 17th and 18th St, and proceeding southerly along Alley

between 17th and 18th St to Colorado Ave, and proceeding

northerly along Colorado Ave to Alley between 19th and 20th St,

and proceeding northerly along Alley between 19th and 20th St to

Broadway, and proceeding northerly along Broadway to the point

of beginning.

<div align="center">

District #2

</div>

The region bounded and described as follows:

Beginning at the point of intersection of City Boundary and

Pico Blvd, and proceeding southerly along City Boundary to NE

boundary of Census Block 060377022021010, and proceeding

westerly along NE boundary of Census Block 060377022021010 to

11th St, and proceeding northerly along 11th St to Marine Pl N,

and proceeding westerly along Marine Pl N to Alley east of

Lincoln Blvd, and proceeding westerly along Alley east of

Lincoln Blvd to Pier Ave, and proceeding westerly along Pier Ave

to Lincoln Blvd, and proceeding westerly along Lincoln Blvd to

Hill Pl N, and proceeding easterly along Hill Pl N to 11th St,

and proceeding northerly along 11th St to Pico Blvd, and

proceeding easterly along Pico Blvd to 20th St, and proceeding

southerly along 20th St to Alley south of Pico Blvd, and

proceeding easterly along Alley south of Pico Blvd to 22nd St,

and proceeding northerly along 22nd St to Pico Blvd, and

proceeding easterly along Pico Blvd to the point of beginning.

District #3

The region bounded and described as follows:

Beginning at the northmost point of City Boundary, and

proceeding southeasterly along City Boundary to Montana Ave, and

proceeding westerly along Montana Ave to 20th St, and proceeding

southerly along 20th St to Idaho Ave, and proceeding westerly

along Idaho Ave to 9th St, and proceeding northerly along 9th St

to Montana Ave, and proceeding westerly along Montana Ave to

Montana Ave Extension, and proceeding southerly along Montana

Ave Extension to City Boundary, and proceeding northerly along

City Boundary to the point of beginning.

District #4

The region bounded and described as follows:

Beginning at the City Boundary at the intersection of

Montana Ave and 26th St, and proceeding easterly along City

Boundary to Olympic Blvd, and proceeding westerly along Olympic

Blvd to Stewart St, and proceeding westerly along Stewart St to

Colorado Ave, and proceeding westerly along Colorado Ave to

Alley between Princeton and Harvard, and proceeding northerly

along Alley between Princeton and Harvard to Broadway, and

proceeding westerly along Broadway to Princeton St, and

proceeding northerly along Princeton St to Santa Monica Blvd,

and proceeding westerly along Santa Monica Blvd to Chelsea Ave,

and proceeding northerly along Chelsea Ave to Wilshire Blvd, and

proceeding westerly along Wilshire Blvd to 17th St, and

proceeding northerly along 17th St to Idaho Ave, and proceeding

easterly along Idaho Ave to 20th St, and proceeding northerly

along 20th St to Montana Ave, and proceeding easterly along

Montana Ave to Unlabeled, and proceeding northerly along

Unlabeled to Montana Ave, and proceeding easterly along Montana

Ave to the point of beginning.

District #5

The region bounded and described as follows:

Beginning at the point of intersection of Chelsea Ave and

Wilshire Blvd, and proceeding easterly along Chelsea Ave to

Santa Monica Blvd, and proceeding easterly along Santa Monica

Blvd to Princeton St, and proceeding southerly along Princeton

St to Broadway, and proceeding westerly along Broadway to Alley

between 19th and 20th St, and proceeding southerly along Alley

between 19th and 20th St to Colorado Ave, and proceeding

westerly along Colorado Ave to Alley between 17th and 18th St,

and proceeding northerly along Alley between 17th and 18th St to

Broadway, and proceeding westerly along Broadway to 16th St, and

proceeding northerly along 16th St to Santa Monica Blvd, and

proceeding southerly along Santa Monica Blvd to Alley between

9th and 10th St, and proceeding southerly along Alley between

9th and 10th St to Broadway, and proceeding westerly along

Broadway to 7th St, and proceeding northerly along 7th St to

Wilshire Blvd, and proceeding easterly along Wilshire Blvd to

Lincoln Blvd, and proceeding westerly along Lincoln Blvd to

Montana Ave, and proceeding easterly along Montana Ave to 9th

St, and proceeding southerly along 9th St to Idaho Ave, and

proceeding easterly along Idaho Ave to 17th St, and proceeding

easterly along 17th St to Wilshire Blvd, and proceeding easterly

along Wilshire Blvd to the point of beginning.

District #6

The region bounded and described as follows:

Beginning at the point of intersection of Lincoln Blvd and

Montana Ave, and proceeding southerly along Lincoln Blvd to

Wilshire Blvd, and proceeding westerly along Wilshire Blvd to

7th St, and proceeding southerly along 7th St to Broadway, and

proceeding easterly along Broadway to Lincoln Blvd, and

proceeding southerly along Lincoln Blvd to Bay St, and

proceeding westerly along Bay St to Ocean Front Walk, and

proceeding northerly along Ocean Front Walk to Pico Blvd

Extension, and proceeding westerly along Pico Blvd Extension to

City Boundary, and proceeding westerly along City Boundary to

-11-

Montana Ave Extension, and proceeding easterly along Montana Ave Extension to Montana Ave, and proceeding northerly along Montana Ave to Unlabeled, and proceeding easterly along Unlabeled to Montana Ave, and proceeding easterly along Montana Ave to the point of beginning.

District #7

The region bounded and described as follows:

Beginning at the point of intersection of 11th St and Pico Blvd, and proceeding southerly along 11th St to Hill Pl N, and proceeding westerly along Hill Pl N to Lincoln Blvd, and proceeding easterly along Lincoln Blvd to Pier Ave, and proceeding easterly along Pier Ave to Alley east of Lincoln Blvd, and proceeding easterly along Alley east of Lincoln Blvd to Marine Pl N, and proceeding easterly along Marine Pl N to 11th St, and proceeding southerly along 11th St to NE boundary of Census Block 060377022021010, and proceeding easterly along NE boundary of Census Block 060377022021010 to City Boundary, and proceeding westerly along City Boundary to Unlabeled, and proceeding westerly along Unlabeled to City Boundary, and proceeding westerly along City Boundary to Pico Blvd Extension, and proceeding easterly along Pico Blvd Extension to Ocean Front Walk, and proceeding southerly along Ocean Front Walk to Bay St, and proceeding easterly along Bay St to Lincoln Blvd, and

proceeding northerly along Lincoln Blvd to Pico Blvd, and proceeding easterly along Pico Blvd to the point of beginning;

8.   Defendant shall hold a district-based special election, consistent with the district map attached hereto on July 2, 2019 for each of the seven seats on the Santa Monica City Council, and the results of said special election shall be tabulated and certified in compliance with applicable sections of the Elections Code;

9.   Any person, other than a person who has been duly elected to the Santa Monica City Council through a district-based election in conformity with this Judgment, is prohibited from serving on the Santa Monica City Council after August 15, 2019;

10.   The Court retains jurisdiction to interpret and enforce this Judgment and to adjudicate any disputes regarding implementation or interpretation of this Judgment;

11.   Pursuant to Elections Code Section 14030 and Code of Civil Procedure Section 1021.5, Plaintiffs are the prevailing and successful parties and are entitled to recover reasonable attorneys' fees and costs, including expert witness fees and expenses, in an amount to be determined by noticed motion for an award of attorneys' fees and a memorandum of costs for an award of costs, including expert witness fees and expenses.

//

-13-

1   DATED: February 13, 2019

YVETTE M. PALAZUELOS
JUDGE OF THE SUPERIOR COURT

ATTACHMENT

3

4

5

1

6

2

7

Santa Monica - 7 District Plan

0   .33   .67   1

Miles

EX.261-1